IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Con.Case(C).No. 1310 of 2007(S)

(NON COMPLIANCE OF THE THE JUDGEMENT IN WA.1253/2006 Dated 24/07/2007)

PETITIONER/1ST RESPONDENTIN W.A./PETITIONER IN W.P.(C)

D.VIJAYAMMA,
AGED 50 YEARS,
D/O. MADHAVAN NAIR,
ASSISTANT EXTENSION OFFICER/INSPECTOR OF FISHERIES
OFFICE OF THE DEPUTY DIRECTOR OF FISHERIES,
ALAPPUZHA.

BY ADV. SRI.N. NANDAKUMARA MENON
ADV. SRI.P.K. MANOJKUMAR

RESPONDENT/3RD RESPONDENT IN W.A./2ND RESPONDENT IN W.P.(C):

G.HARIKUMAR, IFS,
AGED 49 YEARS,
S/O (NOT KNOWN TO THE PETITIONER),
DIRECTOR OF FISHERIES,
VIKAS BHAVAN,
TRIVANDRUM.

BY GOVERNMENT PLEADER SHRI M.P. SREEKRISHNAN.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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CONTEMPT CASE (C) No. 1310 OF 2007

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Dated this the 8th October, 2007

J U D G M E N T

H.L. Dattu, C.J.:

The complainant/petitioner in this Contempt Case is the petitioner in W.P.(C) No. 25857 of 2003 and first respondent in W.A.No.1253 of 2006. The learned single Judge has disposed of the Writ Petition directing the Director of Fisheries to repost the petitioner in the Ministerial wing of the Fisheries Department and to grant the petitioner all service benefits including seniority and promotion etc.

2. The appeal filed by the third respondent in the Writ Petition has also been rejected by a Division Bench of this court confirming the orders passed by the learned single Judge in the Writ Petition.

3. The complainant/petitioner is of the opinion that the respondent/2nd respondent in the Writ Petition/3rd respondent in the Writ Appeal No. 1253 of 2006, has disobeyed the orders and directions issued by this court in Writ Petition No. 25857 of 2003 and in W.A.No. 1253 of 2006 Therefore, she is before us in this Contempt Case.

4. Learned Government Pleader, appearing for the respondent, has produced before us, the communication received from the respondent, which reads as under:

> *"I am to invite your kind attention to the reference cited and to inform you that in compliance of the judgment and affidavit filed thereon, orders has been issued reposting Smt. D. Vijayamma,*

Inspector of Fisheries/Assistant Extension Officer in the Ministerial wing in the light of Ext.P11 as per Order No.A4-11678/01 dated 04/10/2007."

5. In view of the aforesaid orders so passed by the respondent, in our opinion, the respondent has substantially complied with the orders and directions issued by this court. Therefore, cognizance of this Contempt Case need not be taken by us. Accordingly, the same requires to be closed as having become unnecessary and it is closed. The complainant/petitioner is at liberty to approach the respondent for grant of service benefits including seniority, promotion etc., by making appropriate representations. Needless to say, if and when such representations are filed, the respondent will consider the same in accordance with law and also in accordance with the orders and directions issued by this Court in the Writ Petition.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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